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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 39th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 9 April 1998, at 3 p.m.

Chairman:	Mr. SELEBI	(South Africa)
later:	Mr. HYNES	(Canada)
later:	Mr. GALLEGOS CHIRIBOGA	(Ecuador)

CONTENTS

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEMS 18, 16 AND 23 (continued)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

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GE.98-12059 (E)

CONTENTS (continued)

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

ORGANIZATION OF THE WORK OF THE SESSION (continued)

The meeting was called to order at 3 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEMS 18, 16 AND 23 (continued)

Draft resolution on agenda item 18 - E/CN.4/1998/L.34 (Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief)

1. Mr. McDONALD (Ireland), introducing the draft resolution on behalf of its sponsors, stressed the importance of the work of the Special Rapporteur on the elimination of all forms of religious intolerance and of discrimination based on religion or belief for the achievement of progress in that area and said that an important aspect of the draft resolution concerned the extension of the Special Rapporteur's mandate for a three-year period. His delegation had held lengthy consultations with interested delegations about the draft resolution and hoped it would be adopted by consensus.

2. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Belarus, Botswana, Ecuador, El Salvador, Hungary, Israel, Moldavia, Norway, Poland, South Africa, Ukraine and Uruguay had become sponsors of the draft resolution.

3. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the draft resolution, if adopted, would have financial implications arising from the extension of the Special Rapporteur's mandate. The amount of $479,000 for travel and per diem for the Special Rapporteur and for operating expenses had been allocated under the programme budget for the biennium 1998-1999. The allocation for the third year of that mandate would come under the budget for the biennium 2000-2001.

4. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1998/L.34 without a vote.

5. It was so decided.

Draft resolutions relating to agenda item 16 (E/CN.4/1998/L.33; E/CN.4/1998/L.25 and E/CN.4/1998/L.38)

Draft resolution E/CN.4/1998/L.33 (Rights of persons belonging to national or ethnic, religious and linguistic minorities) (continued)

6. Mr. DESSER (Austria) said that, as agreed at the preceding meeting, his delegation had held consultations with the delegation of Bangladesh.

7. Mr. OUAYES (Bangladesh), referring to paragraph 11 of the draft resolution, recalled that Commission resolution 1995/24 had provided for the Sub-Commission's Working Group on Minorities to meet on an inter-sessional basis for an initial three-year period beginning in September 1995. Despite that provision, however, the Working Group had held its first two sessions during one inter-sessional period. The Sub-Commission had therefore not had the opportunity to study the report on the deliberations of the

Working Group's first session or to provide guidance prior to the holding of the second session. That raised the question whether the servicing of the second session by the Secretariat had been undertaken with the proper authority. It therefore followed that the Group's mandate had not been exhausted with its May 1997 meeting. That was evident from paragraph 12 of Commission resolution 1997/16, in which the Commission expressed its expectation that the Working Group would further implement its mandate as set out in Commission resolution 1995/24 and that it would take note of the Commission's deliberations on that item.

8. His delegation had made several statements on that issue in both the Commission and Sub-Commission and had addressed communications to the former High Commissioner as well as to the then Assistant Secretary-General. In the absence of any reaction, it had decided not to participate in the "second" session of the Working Group in May 1996. Having received a communication from the then Assistant Secretary-General, his delegation had sent a reply raising a number of issues. There had been no reaction in the last two years from the Secretariat, and that was most unwelcome. In statements at Commission and Sub-Commission sessions, his delegation had stated its preference for the Sub-Commission, while finalizing the extension of the mandate of the Working Group, to consider the possibility of modifying the composition of the Group in order to eliminate the discrepancies that had marked its current incarnation.

9. Earlier that morning, his delegation had received a communication from the Chairman of the Working Group acknowledging its concerns and accepting its interpretation of the resolution in question. Although the communication did not explain the lack of reaction for over two years, it did betoken a readiness to address at least the question of the interpretation of the resolution. Consequently, on the understanding that the Secretariat would schedule the Working Group's following session so that questions of interpretation of the mandate would be properly taken into consideration, and in a spirit of compromise, his delegation would join the consensus on draft resolution E/CN.4/1998/L.33.

10. Mr. DESSER (Austria) said that he appreciated the concerns expressed by Bangladesh. The Working Group had held its first session in 1995 and had scheduled its second for 1996. In order to take the commitments of all the Working Group's members into account, it had been decided to hold its second session in May 1996. The Group had thereafter continued to meet in May, which had proved to be the most suitable time. The Secretariat and the Chairman of the Working Group were aware that the scheduling of the Group's sessions gave rise to divergences of opinion. His delegation trusted that the Secretariat would take its comments and those of Bangladesh into account in drawing up the schedule for the Working Group's sessions.

11. Mr. COMBA (Office of the High Commissioner for Human Rights), referring to the financial implications of the draft resolution, said that the amount of $26,500 per year for the travel and per diem costs of the five members of the Working Group had been allocated under chapter 22 of the programme budget for the biennium 1998-1999.

12. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1998/L.33 without a vote.

13. It was so decided.

Draft resolution E/CN.4/1998/L.25 (Tolerance and pluralism as indivisible elements in the promotion and protection of human rights)

14. Mr. SINGH (India), introducing the draft resolution on behalf of its 55 sponsors representing all regions of the world, pointed out an error in the English version of the title: the word "individual" should be replaced by the word "indivisible". The text of the draft resolution was the result of extensive consultations. No society was beyond the dangers posed by the absence of tolerance and the promotion of tolerance required the concerted efforts of all. The principal focus of the draft resolution was therefore the strengthening of promotional activities. Another important element of the draft resolution was its recognition of the role of civil society, particularly NGOs working at the grass-roots level, in promoting tolerance and pluralism through their activities. Lastly, as part of the reform of the Commission's methods of work, the sponsors proposed that the question should be taken up again at the fifty-sixth session of the Commission.

15. In the interests of dialogue and transparency, the sponsors had held an open-ended discussion to consider the amendments proposed by one delegation in document E/CN.4/1998/L.38. Although they had not accepted all the amendments, they had considered those ideas which were directly relevant to the content of the draft resolution, namely the promotion of tolerance and pluralism in the context of the individual and society. Consequently, a general reference to the relevant paragraphs of the Vienna Declaration had been incorporated into the third preambular paragraph, the idea of tolerance as the sound foundation of civil society and peace had been included in the fifth preambular paragraph and the suggestion made in paragraph 9 of document E/CN.4/1998/L.38 had been included in paragraph 4 (a). The few remaining ideas contained in document E/CN.4/1998/L.38 had not been included simply because they were either already reflected in the text or were extraneous to the subject of the draft resolution. His delegation therefore hoped that the sponsor of document E/CN.4/1998/L.38 would not insist on its proposals and that draft resolution E/CN.4/1998/L.25 would be adopted without a vote.

16. Mrs. KLEIN (Secretary of the Commission) said that Algeria, Armenia, Belgium, Congo, Costa Rica, Ethiopia, Malaysia, Mauritius, Nepal, Republic of Korea, Slovenia, Sri Lanka and Ukraine had become sponsors of the draft resolution.

17. Mr. AKRAM (Pakistan) said that his country was no less convinced than the sponsors of draft resolution E/CN.4/1998/L.25 of the crucial importance of tolerance and pluralism to the protection of human rights. As pluralism was particularly and most specifically under threat in Pakistan's own region, it had given very careful consideration to such an initiative and had asked the sponsors to be allowed to consider the text of the draft resolution well before it was published as a Commission document. Nevertheless, it had been given access to the document only a few hours before it was published. What

had happened to the so-called interests of transparency and consensus? His delegation had then proposed a number of amendments to enhance the draft. As none of those amendments had been accepted, it had been forced to publish the text of the amendments as a Commission document.

18. After consultations with some of the sponsors of draft resolution E/CN.4/1998/L.25, his delegation had been satisfied that consideration had been given to some of its proposals in the draft. Yet there were four essential items in document E/CN.4/1998/L.38 which had not been taken into consideration and concerning which his delegation would appreciate a decision from the Commission. Those were item 1 (with the replacement of "pacific" by "peaceful" in the English version); item 4 (with the deletion of the words: "and groups"); item 7 and item 8 (with the deletion of the words: "and division"). His delegation had made an effort to seek consensus and compromise. It regretted having to insist on those four amendments.

19. Mrs. GLOVER (United Kingdom) proposed that, to speed up the procedure, the amendments submitted by Pakistan should be considered as a whole.

20. Mr. VERGNE SABOIA (Brazil) noted that a draft resolution on a topic like tolerance could not be adopted other than by consensus and suggested that the parties concerned should be given a bit more time to reach a consensus. If not, he would unfortunately have to withdraw from the list of sponsors.

21. Mr. de ICAZA (Mexico) and Mr. HAMIDON (Malaysia) endorsed the remarks of the representative of Brazil.

22. The CHAIRMAN suggested that the parties concerned should take one hour to settle the issue.

Draft resolution relating to agenda item 23 - E/CN.4/1998/L.24 (A permanent forum for indigenous people in the United Nations system) (continued)

23. Mr. LEHMANN (Denmark) said that, following consultations which his delegation had held with the Cuban delegation and the Secretariat, it had been agreed that the financial implications of the draft resolution would be absorbed within existing resources under the programme budget. On the substance of the draft resolution, his delegation believed it was crucial not to prejudge the work of the ad hoc working group. It therefore proposed the deletion, in the second preambular paragraph, of the phrase: "to establish a mechanism to". With that amendment, it proposed that the Commission should adopt the draft resolution without a vote.

24. Mr. ALFONSO MARTINEZ (Cuba) said that he endorsed the amendment, which took his delegation's concerns into account. He could not, however, endorse the amendment to paragraph 4 which had been proposed at the preceding meeting, as it would make the proposed working group's functions even more problematical and further diminish the possibility of establishing a permanent forum for indigenous people. He was also opposed to the amendment proposed in paragraph 7, which would sharply limit participation by United Nations representatives in the activities of the ad hoc working group.

25. Mr. LOFTIS (United States of America) said that, while it was important to provide coordination and regular exchanges of information between concerned and interested parties - Governments, NGOs and indigenous people - he was disturbed by the proliferation of new mechanisms. His delegation was prepared to support the draft resolution on the understanding that, in accordance with paragraph 4, the working group would be able to consider not only the question of establishing a permanent forum for indigenous people, but other questions, such as those considered by the Working Group on Indigenous Populations and the question of continued participation by indigenous people in the activities of United Nations bodies and of their representation in those bodies.

26. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation would not oppose a consensus, on the understanding that his statements would appear in the summary record.

27. Draft resolution E/CN.4/1998/L.24 was adopted.

28. Mr. ALFONSO MARTINEZ (Cuba), speaking on a point of order, said that, following the adoption of draft resolution E/CN.4/1998/L.24, it would be logical for the Commission to consider Sub-Commission draft decision 1, "Permanent forum within the United Nations system for indigenous peoples" (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50), especially as paragraph 5 of draft resolution E/CN.4/1998/L.24 requested the ad hoc working group to take account in its work, inter alia, of any comments received from United Nations organizations and bodies.

29. The CHAIRMAN said that draft resolution E/CN.4/1998/L.24 superseded Sub-Commission decision 1 and rendered it null and void.

30. Mr. de ICAZA (Mexico) said that the resolution just adopted and the draft decision submitted by the Sub-Commission were similar, although they approached the topic from a different angle.

31. Mr. VERGNE SABOIA (Brazil) said that he shared the Chairman's view; the ad hoc working group should consider the question of a permanent forum for indigenous people in accordance with both resolution E/CN.4/1998/L.24 and previous decisions by bodies to which it was subordinate.

32. Mr. LEHMANN (Denmark) endorsed that view and pointed out that the Sub-Commission's draft decision was more specific than resolution E/CN.4/1998/L.24. Moreover, paragraph 5 of the resolution enabled the ad hoc working group to consider the work of United Nations organizations and bodies in any way it wished.

33. Mr. ALFONSO MARTINEZ (Cuba) said that he did not see any contradiction between the draft resolution just adopted and the Sub-Commission's draft decision, given that the Working Group on Indigenous Populations was already looking into the topic and that draft decision 1 would help it to orient its studies.

34. Mr. HYNES (Canada) said that he would have difficulty endorsing the Sub-Commission's draft decision, as it was too precise and prejudged the results of the working group's discussions by speaking of the "early establishment" of a permanent forum.

35. Following a procedural discussion in which Mr. ALFONSO MARTINEZ (Cuba) and Mr. HYNES (Canada) took part, the CHAIRMAN said that, if he heard no objection, he would take it that the Commission did not wish to take a decision on the Sub-Commission's draft decision 1 (E/CN.4/1998/2).

36. It was so decided.

37. Mr. ALFONSO MARTINEZ (Cuba) said that Canada's motion should have been put to a vote. However, it being understood that the ad hoc working group would be able to take the work of other bodies into account, either on its own authority or pursuant to paragraph 5 of draft resolution E/CN.4/1998/L.24, he would not oppose the decision that had just been taken.

38. Mr. SUMI (Japan), speaking in explanation of his delegation's position on draft resolution E/CN.4/1998/L.24, said that it would join the consensus and that it recognized the importance of indigenous issues. As far as the establishment of a permanent forum was concerned, however, the results of the ad hoc working group's discussions should not be prejudged. In any event, careful consideration should be given to financial implications and an effort made to avoid duplication of work.

39. Mr. Hynes (Canada) took the Chair.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1998/45-48, 49 and Add.1, 50, 51, 52 and Add.1, 53 and Add.1 and 2, 54 and Add.1, 116, 118, 138, 151 and 157; E/CN.4/1998/NGO/3, 24 and 69-71; E/CN.4/Sub.2/1997/28; A/52/469 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1998/92-97 and 158; A/52/489)

40. Ms. SYAHRUDDIN (Indonesia), speaking on agenda item 9 (a), said that her delegation welcomed the measures taken to extend the role and importance of

women in the United Nations system. As the Secretary-General of the United Nations had stated on the occasion of International Women's Day, gender-based abuses were not an accident of war or incidental adjuncts to armed conflicts, but a form of persecution which reflected the inequalities that women faced in their everyday lives in peacetime; gender equality was not only a goal in itself, but a means of reducing poverty, promoting sustainable development and building good governance. Gender equality had been proclaimed in the Charter of the United Nations in 1945 and had been reiterated in numerous human rights instruments. The Convention on the Elimination of All Forms of Discrimination against Women had been ratified by 161 countries, and that made it the most widely ratified convention after the Convention on the Rights of the Child.

41. In Indonesia, a national movement had been launched in 1995 to combat discrimination against women at all levels of the country and in all its structures. As a follow-up to the Beijing Platform for Action, the Indonesian authorities had submitted to the Division for the Advancement of Women supplementary reports to Indonesia's report on the implementation of the Convention. National follow-up activities included programmes on combating poverty and on health and education.

42. With regard to agenda item 9 (c), her delegation had taken good note of the statement by the Danish delegation on the independence and integrity of health professionals and fully supported the view that it was the right of all people to receive medical treatment without discrimination as to nationality or ethnic origin.

43. Ms. ALTOLAGUIRRE (Guatemala) said that, following her country's return to democracy and the signing of the peace agreements, several human rights protection mechanisms had been set up. The Human Rights Procurator, in particular, monitored all the authorities' acts. The international instruments ratified by Guatemala took precedence over national laws. Pursuant to a recommendation by Mr. Tomuschat, one of the independent experts previously appointed by the Commission, a governmental agency, the Presidential Human Rights Commission, which she herself had been chairing for the last two years, had been established to protect human rights. The Commission's activities included making proposals on national human rights policies, recommending changes in the legislation to bring it into line with Guatemala's international commitments and cooperating with the United Nations Verification Mission in Guatelmala (MINUGUA). The authorities also had been more sympathetic to NGOs since March 1997 and were focusing on providing human rights training to State employees such as military personnel and police officers. Several seminars and workshops had also been organized inside the country to make the public aware of the peace agreements.

44. In November 1996, the Government had signed an agreement with the Centre for Human Rights on the establishment of cooperation programmes with State bodies and NGOs. Activities were already under way and it would be useful for the agreement to be extended once the initial 18 months were up. Arrangements had also been made for assistance to the victims of human rights violations. However, the programme of compensation and assistance for the victims of violations would be more widely implemented after the Commission in charge of the "Reclaiming the Historical Memory" project had submitted its report in

June. The Guatemalan Government, which had the political will to implement the many international human rights conventions it had ratified, but which lacked human and material resources, hoped that it could count on continuing support from the international community.

45. Ms. NAIKER (South Africa) said that the report of the mission to South Africa by the Special Rapporteur on violence against women to study the issue of rape in the community (E/CN.4/1997/47/Add.3) had led the Government to set in motion various measures to improve the situation. The National Network on Violence against Women, established in May 1996, had developed into a permanent structure consisting of both governmental and non-governmental organizations. Pursuant to the Special Rapporteur's recommendations, two more "one-stop" centres for victims of abuse had been established in Pretoria with the assistance of UNDP. To combat crime in general a National Crime Prevention Strategy had been established and included a victim empowerment and support programme. The National Policy Guidelines for Victims of Sexual Offences, launched in September, should also make it possible to render effective service to women and children who were victims of rape and other sexual offences. Although large gaps remained in the understanding of the issues and in service delivery itself, the synergy provided by the three initiatives in question and the efforts being made to forge linkages between them at the national, provincial and community levels should bear fruit.

46. South Africa, which would shortly be presenting its initial report to the Committee on the Elimination of Discrimination against Women, had ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1995 without entering any reservation. The struggle for the prevention of violence against women was being pursued within a wider struggle for women's attainment of their fundamental rights, in accordance with article 16 of the Convention. The first steps in the right direction had been taken and the time for implementation had come.

47. Her delegation was encouraged by the commitment of the High Commissioner for Human Rights to strengthening cooperation between the Commission on Human Rights and the Commission on the Status of Women. In the year marking the fiftieth anniversary of the Universal Declaration of Human Rights, the time was ripe for the Commission to place on its agenda a separate item concerning women's rights issues.

48. Mr. EL HAJJAJI (Observer for the Libyan Arab Jamahiriya) said that the Koran contained clear references to the rights and duties of women. However, some of the proponents of a strict interpretation of the Koran believed that the rights of Muslim women should be considered in terms of women's psychological and social weakness and that the sexes were unequal in rank. Yet the Koran states the exact opposite, in particular in the chapter on women, equality between men and women and the uniqueness of the couple.

49. In the Libyan Arab Jamahiriya, women's situation as set forth in the Koran had been confirmed by a "Green Book" which had been issued in 1997 and explained the rights and obligations of women. It recognized equality of rights between women and men, as well as the right of women to give consent to marriage. Women were also entitled to a dowry, to care for and educate their children, to dispose of their assets and to have an identity card and a

passport. If a man wished to remarry, he had to obtain the consent of his previous wife. In the absence of her consent, the decision was taken by the court. Insults to women and other crimes against women were severely punished. Lastly, in the Libyan Arab Jamahiriya, the rights and obligations of women of a different nationality were identical to those of Libyan women.

50. Ms. GARCIA MORENO (World Health Organization) said that violence against women was recognized as a violation of human rights in numerous United Nations human instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women and the Beijing Declaration. In 1996, the World Health Assembly had decided that the prevention of violence, especially violence against women and children, was a public health priority and that action should ultimately aim to create a climate of zero tolerance for such violence. One in five of the world's women had been physically or sexually abused, most often by men they knew. In situations of armed conflict, women were particularly exposed to rape. Genital mutilation was performed on nearly 2 million girls every year. Violence against women and girls was a major cause of mortality. Women were murdered by their partners or relatives, in particular as a result of dowry violence, suicides were the cause of death for many women who were beaten or sexually assaulted and female genital mutilation had serious long-term health consequences.

51. WHO's activities for the prevention of all forms of violence against women, focused on advocacy and information materials for health providers and planners and health professional organizations. WHO was also developing databases on the prevalence and health consequences of domestic violence and conducting research on female genital mutilation. In accordance with the aims of the Beijing Platform for Action, a multi-country study on domestic violence had been undertaken with the aim of developing methodologies to help States design appropriate national plans of action. WHO was also seeking to strengthen local research capacities, to develop new instruments for measuring violence and its consequences across cultures and to promote forms of research that were responsive to the needs of women and took the work of women's groups into account. At the same time, WHO made certain that its work on domestic violence adhered to internationally accepted scientific and ethical standards and was conducted in a manner that did not put women at further risk.

52. She requested the Commission to recommend that the Special Rapporteur on violence against women, in cooperation with WHO, should prepare an annex on the health effects of violence against women for inclusion in her next report.

53. Mr. SCHLEIFFER (World Food Programme), referring to agenda item 9 (c), said that the fifty-third session of the Commission on Human Rights had declared intolerable the fact that 800 million people throughout the world did not have enough food to meet their basic nutritional needs. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, it was important to reaffirm the fundamental right of everyone to be free from hunger. WFP was committed to meeting the needs of refugees or displaced people in situations of famine and natural or man-made disasters. In 1997, it

had targeted food aid to approximately 15 million internally displaced persons, 4 million refugees and returnees and 10 million persons affected by natural disasters. Nearly 70 per cent of its activities were focused on humanitarian assistance.

54. However, humanitarian and human rights organizations frequently lacked access to the people he had mentioned, not only for the provision of assistance and protection, but also unrestricted access for the assessment of needs and follow-up monitoring. It must be recalled that it was the duty of States, regardless of their political economic and social systems, to promote and protect human rights. When people became displaced within their country, the State often had a limited capacity to intervene. The State might also - in some cases - be responsible for the displacement. The Guiding Principles on Internal Displacement would therefore help increase international awareness of the problems faced by the internally displaced as well as the relevant legal standards. WFP expressed its appreciation for the work undertaken by the Representative of the Secretary-General on Internally Displaced Persons in helping to prepare the Guiding Principles, which consolidated the relevant elements from a wide body of existing law and were a useful tool for the humanitarian community. It was particularly pleased with the inter-agency consultative process which had surrounded the elaboration of the Guiding Principles and it appreciated the opportunity to have participated in the expert consultation on the Guiding Principles recently hosted by the Government of Austria.

55. Partnerships among all concerned bodies were essential in providing protection for the displaced. He commended the initiative taken by the Emergency Relief Coordinator to place the matter of strengthening the predictability of assistance and protection for the internally displaced high on the list of 1998 priorities for the new Office for the Coordination of Humanitarian Affairs. Greater cooperation was needed between individual United Nations agencies and partner organizations. Cooperation was also essential in the return, resettlement and reintegration phases, to provide a stable environment for States to give adequate priority to food security and poverty eradication.

56. WFP considered the participation of the United Nations High Commissioner for Human Rights in both the Inter-Agency Standing Committee and the Executive Committee on Humanitarian Affairs as a positive development which would facilitate a more integrated approach to human rights and humanitarian issues. It would also be advisable for the Representative of the Secretary-General on Internally Displaced Persons to participate in the Inter-Agency Standing Committee. Consistent with the decision taken at the March 1998 meeting of the IASC, WFP would disseminate the Guiding Principles to its staff and endeavour to apply them, in particular through its internal training programmes. It also intended to share the Principles with its Executive Board, as the IASC had recommended.

57. As the Executive Director of WFP had stated at the beginning of the session, in addition to humanitarian intervention for the victims of human rights violations, Governments must provide the political backing needed for humanitarian activities and must address the human rights abuses that had caused the displacement.

58. Mr. KAVADZE (Observer for Georgia) said that it was difficult to speak of the international community's positive achievements in the field of human rights, during the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, when the human rights of more than 300,000 ethnic Georgians, Russians, Armenians, Estonians, Greeks, Jews and even Abkhazians were being violated through the inhuman actions of the Abkhazian separatist regime. Since April 1994, 1,200 people, predominantly Georgian civilians, had been killed and over 5,000 houses burnt down in the region of Gali alone - despite the fact that Gali was supposed to be under the control of CIS peacekeepers - in an effort to intimidate returnees. To ensure that such atrocious crimes did not remain unpunished, the Georgian Government supported the idea of establishing a permanent international court.

59. Georgian returnees were being deprived of their fundamental rights through the intolerance of the Abkhaz nationalists, in particular in the area of education, despite the efforts of the United Nations High Commissioner for Human Rights and the United Nations Human Rights Office in Abkhazia. On 14 March, the separatist authorities of Abkhazia had held elections, which, together with similar elections held on 23 November 1996, represented an attempt to create a false image of Abkhazia as an independent State and to legitimize the demographic situation resulting from the ethnic cleansing in the region. Legal elections could be held in Abkhazia only through due observance of the principles of sovereignty and territorial integrity of Georgia within the framework of a full-scale political settlement of the conflict and with the guarantee of respect for the rights of refugees and displaced persons. He hoped that the Human Rights Office in Abkhazia would strengthen its monitoring capacity and improve coordination between the Sukhumi Office, the United Nations Mission in Tbilisi and the Office of the High Commissioner for Human Rights and that the United Nations and other international agencies would be duly informed of human rights violations in the region.

60. The President of Georgia, Mr. Edward Shevardnadze, had recently asked the Secretary-General of the United Nations to call on the international community to mark the fiftieth anniversary of the Universal Declaration of Human Rights by adopting a special act on the protection of the human rights of refugees and internally displaced persons. Mr. Shevardnadze had also asked the leaders of all Member States to support the adoption of the special act. The Georgian Government hoped that, through its special procedures, the Commission and the treaty bodies would give particular attention to the situation in Abkhazia.

61. Mr. ORUDJEV (Observer for Azerbaijan) said that democracy and the rule of law continued to progress in Azerbaijan, in the spirit of the Universal Declaration of Human Rights, despite the aggression against Azerbaijan by neighbouring Armenia, the continued occupation of 20 per cent of its territory and the existence of more than 1 million refugees and internally displaced persons. Since the restoration of its independence, Azerbaijan had acceded to the principal international human rights instruments and its initial reports under the International Covenants on Human Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women had already been considered by the relevant treaty bodies. On 12 November 1995, following a nation-wide referendum, an

independent Azerbaijan had adopted its first Constitution, which reflected the principles of the Universal Declaration of Human Rights and had laid the bases for the legal reforms undertaken in accordance with international and European human rights standards. The Presidential Decree of 22 February 1998 on ensuring fundamental rights and freedoms had clearly defined the Government's urgent tasks in that area. In the spirit of article 3 of the Universal Declaration of Human Rights, the Azerbaijani Parliament had recently abolished the death penalty.

62. Mr. LAKATOS (Observer for Hungary) said that one of the main causes of the current refugee flows was the lack of human rights guarantees. The international community should therefore remain committed to the principle that human rights must be regarded not as an exclusively internal affair of States, but as a matter of legitimate international concern, and that Governments were accountable for violations of international human rights standards.

63. Prevention remained the most effective way to avoid flows of refugees and displaced persons. Preventive action involved respect for the rule of law, including the enhancement of the institutions of civil society, legal structures and a free media. To date, however, the international community had allocated most of its resources and attention to emergency responses, with all the financial and human consequences that implied.

64. The emphasis on prevention and voluntary repatriation should not detract from the core principle of non-refoulement. For millions of refugees, the right to seek asylum was the only way of exercising again the fundamental rights and freedoms which their own countries had denied them. In March 1998, Hungary had withdrawn the geographical reservation it had entered on acceding to the 1951 Geneva Convention and 1967 Protocol. There would no longer be discrimination against asylum-seekers from non-European countries, who would be given direct access to the Hungarian authorities without having to go through UNHCR.

65. In the absence of political will, humanitarian assistance and international action could not provide effective protection to victims or prevent displacement or refugee flight. Hungary could not but welcome a recent resolution adopted by the Executive Committee of UNHCR, which emphasized the responsibility of States to ensure conditions that did not compel people to flee.

66. He concluded by stressing the importance of the integrity of UNHCR's mandate given the increasingly politicized atmosphere in which it was carried out.

67. Mr. Gallegos Chiriboga (Ecuador) took the Chair.

68. Ms. GEELS (Observer for New Zealand) said that, in the area of women's human rights, there was still a large gap between the aspirations of the international community and the hard reality of women's lives in many parts of the world. New Zealand had taken strong action to counter domestic violence.

The Domestic Violence Act of 1995 included a definition of violence that closely resembled the definition used in the Declaration on the Elimination of Violence against Women.

69. The World Conference on Women had reaffirmed that the human rights of women and of the girl-child were an inalienable, integral and indivisible part of universal human rights. Earlier, the World Conference on Human Rights had set as a priority of the international community the achievement of full and equal enjoyment by women of all human rights. From that standpoint, she drew attention to the agreed conclusions which had recently been adopted by the Commission on the Status of Women and recommended that cooperation and exchanges of expertise between the Commission on the Status of Women and the other functional commissions of the Economic and Social Council, including the Commission on Human Rights, should be enhanced, urging the Commission to ensure that all human rights mechanisms and procedures incorporated a gender perspective into their work. In that regard, she welcomed the fact that a number of special rapporteurs were including gender-specific analyses in their reports and urged other special rapporteurs to adopt that practice. She had also noted the recent attendance, for the first time, by the High Commissioner for Human Rights at a meeting of the Committee on the Elimination of Discrimination against Women and the High Commissioner's important statement to the Commission on the Status of Women. Although conscious of the need to avoid duplication, she encouraged interaction between the Office of the High Commissioner for Human Rights, the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women.

70. In New Zealand's view, a priority for 1998 should be to encourage the universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000. There were already 161 States parties to the Convention and States which had not yet done so were urged to ratify that important instrument as a demonstration of their commitment to the promotion and protection of women's human rights. The adoption of an optional protocol to the Convention, which would provide women with a communications procedure under the Convention, would also be a welcome step. New Zealand looked forward to the conclusion of negotiations in 1999.

71. Under the Beijing Platform for Action, States were required not only to refrain from violating women's rights, but to work actively to promote and protect those rights. In New Zealand, the provisions of the Platform for Action had been fully integrated into the work programme of the Ministry of Women's Affairs and across Government work more widely. Areas deliberately chosen for action were mainstreaming gender analysis, the gender pay gap, women's unremunerated work, improvement of statistics on women, the Platform's strategic actions which were relevant to Maori women and girls and the achievement of gender balance in decision-making positions.

72. The preamble to the Charter of the United Nations reaffirmed the equal rights of men and women and the Commission had an important role in helping to ensure the realization of that goal.

73. Ms. MESDOUA (Observer for Algeria) said that her country had acceded to the Convention on the Elimination of All Forms of Discrimination against Women and would shortly be submitting its report to the Committee on the Elimination

of Discrimination against Women. Gender equality was set forth in the Algerian Constitution and laws, but, as Algeria had not completed its transition from traditional to modern country, many obstacles had to be lifted for full effect to be given to that principle. Much progress had been achieved since independence, however. There had been a marked drop in the female illiteracy rate and women represented 45 to 48 per cent of teachers at the various educational levels. Women were acceding to better jobs, particularly in public service, where they held many decision-making posts.

74. Algeria's commitment to a pluralist political process represented a crucial turning point in its efforts to secure women's rights and gender equality. The new electoral code had practically ended the practice of voting by proxy, under which husbands had been able to vote on behalf of their wives. As women made up half of the electorate, their concerns were given greater consideration by the political parties and increasing numbers of women were being elected to office. Women's associations had encouraged those trends by helping to challenge certain prejudices.

75. Unfortunately, that progress was being impeded by the terrorists, whose unrelenting cruelty towards women was commensurate with women's importance in society and the transmission of cultural values. Algeria, which had already paid a heavy price in its struggle against obscurantism, was hoping for an unequivocal condemnation of terrorist violence and strong solidarity from the international community.

76. Ms. AQUILINA (Observer for Malta) said that 1998 was the year of both the fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. As the promotion and protection of human rights required the strengthening of national and international structures, institutions and organizations, Malta supported the efforts of the Secretary-General to integrate human rights activities at headquarters and in the field. Human rights were intrinsically linked to peace and security, humanitarian affairs and economic and social affairs and the participation of the High Commissioner for Human Rights in the activities of the four main executive committees set up by the United Nations was of great importance.

77. Malta was a democracy whose Constitution protected the human rights of the individual. Awareness-raising, information and training activities in the field of human rights were conducted in the media, schools and the police academy. Besides taking measures at the national level, Malta had always been in the forefront in supporting human rights action at the regional and international levels and it encouraged the work of the non-governmental organizations at the local level. As a State party to the Convention on the Elimination of All Forms of Discrimination against Women, Malta was fully committed to equality between men and women in both law and practice, in conformity with its Constitution and Civil Code.

78. In various regions of the world, however, particularly Cyprus, the situation continued to be disquieting. Malta supported all the efforts being undertaken to reach a concrete and lasting solution to the situation in Cyprus in accordance with Security Council and Commission resolutions. The anniversary year 1998 should serve as an occasion for looking at past

achievements and forming a plan for the future. Nothing strengthened democracy and human rights more than economic growth and solidarity, in direct line with the Vienna Programme of Action and article 1 of the Universal Declaration.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Situation of human rights in Colombia (continued) (E/CN.4/1998/16 and 135)

79. The CHAIRMAN said that the Commission welcomed the fact that the Office of the United Nations High Commissioner for Human Rights in Colombia in Bogota had enjoyed the cooperation of State and Government institutions and took note of the report of the High Commissioner for Human Rights on the situation of human rights in Colombia (E/CN.4/1998/16) and a document containing the State party's observations (E/CN.4/1998/135). It expected that the activities of the human rights office in Bogota would continue to contribute to improving the human rights situation in Colombia and promoting a climate of trust between the Government and all sectors involved in the conflict, thereby encouraging a process of constructive dialogue involving non-governmental organizations and other sectors of civil society.

80. While encouraging the work of the special commission set up by the Government of Colombia for the analysis, follow-up and implementation of the recommendations of the international human rights bodies, the Commission on Human Rights considered that sufficient progress to improve the situation of human rights in Colombia had not been made. It was deeply concerned at the intensification of the internal armed conflict, which entailed increasingly serious continued violations of human rights. Recognizing the actions of the Government of Colombia, many State institutions and many organizations of civil society aimed at making progress in the peace process, it urged all parties to make serious efforts to negotiate a peaceful settlement of the conflict.

81. The Commission acknowledged the steps taken by the Government of Colombia for the application of humanitarian standards in the conflict and welcomed its continued cooperation with the International Committee of the Red Cross.

82. The Commission was deeply concerned by the role played by the paramilitary groups in intensifying the conflict, as reflected in the alarming number of massacres of non-combatants and the dramatic increase in the numbers of displaced persons. It welcomed the reduction in the number of human rights violations attributed to the armed forces and the police, but was concerned that the authorities had not yet begun to investigate and punish support given to the activities of paramilitary groups. Nevertheless, it expected that the armed forces of Colombia would implement the intention expressed to the Office of the High Commissioner for Human Rights in Bogota to dismiss from service all those in their ranks who were implicated in crimes against humanity.

83. The Commission condemned terrorist and other violent acts by guerrilla groups which violated international humanitarian law and called on the guerrilla groups to respect the rules of international humanitarian law. It condemned killings and all attacks on the civilian population, including

kidnapping, the widespread use of anti-personnel landmines and the recruitment of children. Similarly, it condemned electoral sabotage by the guerrilla groups, through the kidnapping and murder of electoral candidates and the murder of various mayors. For humanitarian reasons, it urged the guerrilla groups to release all the soldiers they were holding and all the persons they had kidnapped.

84. The Commission welcomed the recommendation made by the Colombian Constitutional Court on 7 November that strict controls should be imposed on the weapons held by the special security services ("Convivir" groups)and the steps taken by the Government of Colombia to regulate the establishment and functioning of those groups.

85. The Commission recognized the legislative progress made in Colombia, the most recent examples of which were the ratification of the Inter-American Convention to Prevent and Punish Torture and the rules which regulated the recruitment of those under 18 to compulsory military service. It called on the Government of Colombia to complete the reform of the Military Penal Code by removing serious human rights violations from the jurisdiction of military courts, separating the functions of the executive and the judiciary and introducing criminal indemnification proceedings.

86. The Commission called for the urgent adoption of the draft law to put an end to forced disappearances and genocide and to increase the punishment for acts of torture. It took note of the draft law before Congress abolishing the regional justice system.

87. The Commission remained concerned about the unacceptable level of impunity, in particular concerning abuses by State agents which continued to fall under the jurisdiction of military courts. It called on the Government to take steps to address that problem as a matter of urgency. It welcomed the important advances made by the Office of the Public Prosecutor in investigating and indicting State agents, guerrillas and members of paramilitary groups responsible for violations of human rights or humanitarian law.

88. Deeply concerned at the increased threat to human rights defenders, it called on the Government to strengthen the support and protection it provided for those defenders through all State institutions.

89. The Commission was deeply concerned about the increase in the number of displaced persons in Colombia. It took note with satisfaction of all the measures taken by the Government and hoped that they would be implemented. In that context, it welcomed the understanding recently reached between the Government of Colombia and UNHCR on establishing a liaison office in Bogota and urged the Government to continue to seek effective means of preventing such displacements, take all necessary measures to protect the lives of displaced persons and ensure security for the organizations supporting them.

90. Lastly, the Commission requested the High Commissioner for Human Rights to submit a detailed report to it at its next session on its activities relating to all aspects of the human rights situation in Colombia.

91. Ms. BAUTISTA (Latin American Federation of Associations of Relatives of Disappeared Detainees), speaking on behalf of her organization and 60 non-governmental human rights organizations, said that the human rights situation in Colombia had deteriorated considerably in 1997. Paramilitary activities had intensified, especially in the heavily militarized areas, and the number of displaced persons had increased. The steps taken by the Government had neither addressed the root causes of the problem nor helped restore the rights of the persons in question. There had been an increase in persecution of human rights defenders, who were frequently accused by some journalists and members of the security forces of complicity with the guerrilla groups, in an effort to prevent them from doing their work; a good number of them had been murdered or forced into exile. Meanwhile, the perpetrators of human rights violations continued to go unpunished and violations of international humanitarian law by all the parties to the conflict continued to occur. The steps taken by the Government to enforce human rights, pursuant to the recommendations of the international community, had clearly proved to be insufficient.

92. As the Human Rights Committee and the High Commissioner for Human Rights had recommended, the special security services must be dismantled and the legislation under which they operated repealed. It was unfortunate that the Chairman had not included that recommendation in his statement. Nevertheless, she welcomed the Commission's appeal to the Colombian Parliament to enact legislation criminalizing the offence of enforced disappearance, to reform the military system of justice and to abolish the regional justice system. She also hoped that the Colombian Government would heed the Commission's appeal that it should dismiss from service all members of the armed forces, police and other security bodies who were implicated in human rights violations.

93. For the following session, it was more important than ever to establish criteria to measure the extent to which the recommendations of the various intergovernmental bodies were being implemented. If the measures taken by the Government should prove to be insufficient, the Commission must act decisively to ensure that the authorities cooperated effectively.

The meeting rose at 6 p.m.